

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-220-G - ORDER NO. 2002-91
FEBRUARY 6, 2002

IN RE: Application of South Carolina Pipeline)	ORDER DENYING
Corporation for Approval of an Open Access)	MOTION FOR
Gas Transportation Tariff and the Rates,)	DECLARATORY ORDER
Terms, Conditions, and Service Agreements)	
Contained Therein.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion for Declaratory Order filed by the City of Orangeburg (the City or Orangeburg) in this case. The City moved for a Declaratory Order, asking this Commission to declare that the Application in this Docket is not subject to the six months deadline for decision required by S.C. Code Ann. Section 58-5-240(C)(Supp. 2001). Oral arguments were held in this matter on February 4, 2002. See Order No. 2002-85. Because of the reasoning stated below, we deny the Motion.

The City stated that the statute in question should be found inapplicable in this proceeding, because the deadline typically has been applied specifically to petitions to the Commission for rate changes, and is clearly intended to protect a utility from revenue shortfalls where the utility seeks solely to increase its rates. Orangeburg alleges that the Application in question does not constitute a change in rate, and it is actually a complete restructuring of services. Second, the City states a belief that the six months period is insufficient to permit full consideration of the many issues raised by the "sweeping restructuring" of services, including abandonment of the merchant service. Lastly,

Orangeburg argues that the six months deadline deprives interested parties of their due process rights, since the deadline would not furnish a reasonable opportunity to fully investigate and explore the issues directly raised by the Application and other pertinent issues. A number of the intervenors support the City's Motion on the same grounds.

South Carolina Pipeline Corporation (SCPC or Pipeline) and the Commission Staff both argued that the statute is in fact applicable, since Pipeline has filed for approval of a new tariff that would implement new rates and a new rate structure, new terms and conditions, and new service agreements. Further, Pipeline argues that Orangeburg's due process rights will not be neglected, since the proceeding will allow Orangeburg ample opportunity to participate and have issues important to it presented for consideration.

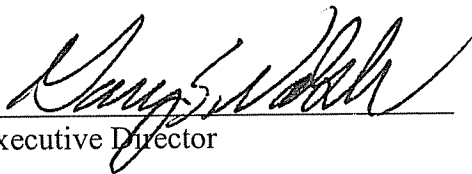
We agree with Pipeline and the Staff. Although we are aware and understand that this filing has ramifications beyond the actual tariff filings, and does restructure Pipeline's services, we do not believe that we have discretion in this matter to declare that the six months time deadline is not applicable to the Application in this case. Clearly, SCPC has filed a new tariff, with new rates, with this Commission and has requested approval. S.C. Code Ann. Section 58-5-240(C)(Supp. 2001) specifically addresses this situation, and specifically states that the Commission must render a decision within six months. The only discretion given the Commission is an extra five day window, found in Section 58-5-240(D). In addition, we agree with Pipeline when it states that Orangeburg's due process rights will not be neglected, since the proceeding will allow Orangeburg ample opportunity to participate, and to present issues important to it for consideration. We believe that this is true for the other parties to the proceeding as well.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)